

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | File No.: EB-01-NY-493 |
| |) | |
| Rev. Dr. Philius Nicholas |) | NAL/Acct. No. 200232380001 |
| |) | |
| Brooklyn, New York |) | FRN 0006-0775-23 |

FORFEITURE ORDER

Adopted: May 31, 2002

Released: June 5, 2002

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* ("Order"), we issue a monetary forfeiture in the amount of ten thousand dollars (\$10,000) to Rev. Dr. Philius Nicholas ("Rev. Dr. Nicholas") for willful violation of Section 301 of the Communications Act of 1934, as amended ("Act").¹ The noted violation involves Rev. Dr. Nicholas's operation of a radio transmitter on frequency 88.1 MHz without a license.

2. On January 10, 2002, the District Director of the Commission's New York Field Office issued a *Notice of Apparent Liability for Forfeiture* ("NAL")² in the amount of \$10,000 to Rev. Dr. Nicholas. Rev. Dr. Nicholas has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED THAT**, pursuant to Section 503(b) of the Act,³ and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission's Rules ("Rules"),⁴ Rev. Dr. Philius Nicholas **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$10,000 for willfully violating Section 301 of the Act.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules⁵ within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁶ Payment shall be made by mailing a check or similar instrument, payable to the order of the "Federal Communications Commission," to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 200232380001, and FRN 0006-

¹ 47 U.S.C. § 301.

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200232380001 (Enf. Bur., New York Field Office, released January 10, 2002).

³ 47 U.S.C. § 503(b).

⁴ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

⁵ 47 C.F.R. § 1.80.

⁶ 47 U.S.C. § 504(a).

0775-23. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁷

5. **IT IS FURTHER ORDERED THAT** this *Order* shall be sent by regular mail and by certified mail, return receipt requested, to Rev. Dr. Philius Nicholas, 1488 New York Avenue, Brooklyn, New York 11210.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁷ See 47 C.F.R. § 1.1914.